

Entered - 01/15/02 - sb  
CL02L0019 - DIANNE C. MITCHELL

CLAIM OF: **HORACE WOODARD**  
1482 Monteel Drive, NW  
Atlanta, Georgia 30318

02-R-0229

For damages alleged to have been sustained as a result of a sewer  
back up on February 3, 2001 at 1482 Monteel Drive, NW.

THIS ADVERSED REPORT IS APPROVED

BY:

  
**ROBERT N. GODFREY**  
DEPUTY CITY ATTORNEY

CONSENT AGENDA

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 02/18/2002

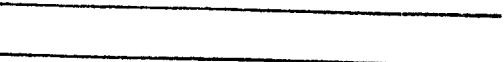
CHAIR: 



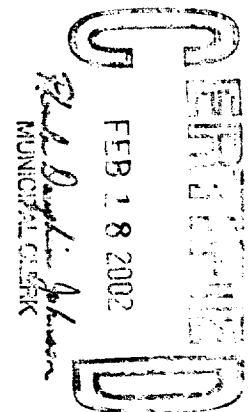
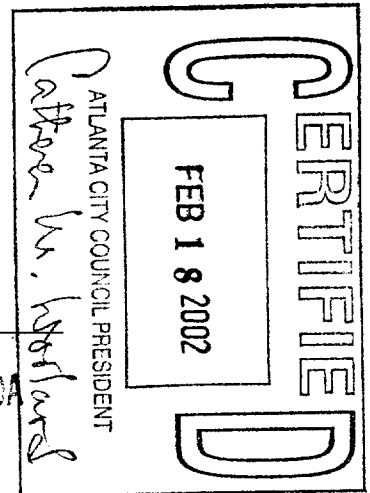












ADVERSED BY  
CITY COUNCIL FEB 18



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

February 27, 2002

Horace Woodard  
1482 Monteel Drive, NW  
Atlanta, GA 30318

02-R-0229

Dear Mr. Woodard:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on February 18, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0019

Date: January 24, 2002

Claimant /Victim HORACE WOODARD

BY: (Atty)(Ins. Co.)

Address: 1482 Monteel Drive, NW, Atlanta, Georgia 30318

Subrogation: Claim for Property damage \$ 1,800.00 Bodily Injury \$

Date of Notice: 01/09/02 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)

Date of Occurrence 02/03/01 Place: 1482 Monteel Drive, NW

Department Public Works Division: Sewer Operations

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that his property was damage due to a sewer back up. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police Dept Report Other

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months X Other Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager: Concur/date 01-29-02

Committee Action: Council Action

RCS# 3453  
2/18/02  
2:38 PM

Atlanta City Council

Regular Session

CONSENT I

Except:0151; 0204; 0235; 0238; 0259;  
0260; 0255; 0205; 0206; 0207; 0208  
ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
02-O-0255  
02-R-0204  
02-R-0206  
02-R-0235  
02-R-0238

**CORRECTED COPY**

CONSENT I

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**02/18/02 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 02-O-0151
2. 02-O-0162
3. 02-O-0239
4. 02-O-0188
5. 02-O-0189
6. 02-O-0269
7. 02-O-0259
8. 02-O-0260
9. 02-O-0154
10. 02-O-0156
11. 02-O-0157
12. 02-O-0158
13. 02-O-0148
14. 02-R-0201
15. 02-R-0202
16. 02-R-0236
17. 02-R-0205
18. 02-R-0207
19. 02-R-0208
20. 02-R-0195
21. 02-R-0196
22. 02-R-0234
23. 02-R-0241
24. 02-R-0210
25. 02-R-0211
26. 02-R-0212
27. 02-R-0213
28. 02-R-0214
29. 02-R-0215
30. 02-R-0216
31. 02-R-0217
32. 02-R-0218

**ITEMS ADVERSED ON  
CONSENT AGENDA**

33. 02-R-0219
  34. 02-R-0220
  35. 02-R-0221
  36. 02-R-0222
  37. 02-R-0223
  38. 02-R-0224
  39. 02-R-0225
  40. 02-R-0226
  41. 02-R-0227
  42. 02-R-0228
  43. 02-R-0229
  44. 02-R-0230
  45. 02-R-0231
  46. 02-R-0232
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